



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**ELECTRONIC MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Mr. Justin Lowe  
BioLab, Inc.  
1725 North Brown Road  
Lawrenceville, Georgia 30043  
JLowe@kikcorp.com

RE: BioLab, Inc.  
FIFRA Notice of Warning  
Case File No. FIFRA-04-2021-0809

Dear Mr. Lowe:

The U.S. Environmental Protection Agency has obtained evidence indicating that BioLab, Inc. appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On or around April 5, 2021, Carmichael International Service, the licensed customs broker for BioLab, Inc., filed an entry in the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system for a shipment of 60 bags of BovicBrom Granular (EPA Reg. No. 84699-1), weighing 950 kilograms each, that arrived at the Port of Savannah, Georgia on or around April 6, 2021, under entry number 442-86166846.

Upon review of the product label provided with the entry in ACE, the product appeared to be misbranded in that it was labeled with the net weight in kilograms only.

Pursuant to 40 C.F.R. § 156.10 (d)(3), if a pesticide is solid or semisolid, viscous or pressurized, or is a mixture of liquid and solid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces.

Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), it shall be unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded.

Pursuant to Section 2(gg) of FIFRA, 7 U.S.C. § 136 (gg), to distribute or sell means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

In response to the potential violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to BioLab, Inc. pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of BioLab, Inc.

submit a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above for all future shipments. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement should be submitted to Kanoelehua Ho at [ho.kanoelehua@epa.gov](mailto:ho.kanoelehua@epa.gov). In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: [www.epa.gov/compliance/small-business-resources-information-sheet](http://www.epa.gov/compliance/small-business-resources-information-sheet). This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kanoelehua Ho of my staff at (404) 562-9162 or by email at [ho.kanoelehua@epa.gov](mailto:ho.kanoelehua@epa.gov).

Sincerely,

Kimberly L. Bingham  
Chief  
Chemical Safety and Land Enforcement Branch

cc: Jennifer Wren; Georgia Department of Agriculture ([jennifer.wren@agr.georgia.gov](mailto:jennifer.wren@agr.georgia.gov))